

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:13-CR-06-HAB
)	(2:19-CV-217)
)	
DAVID LEE HARDIN, JR)	

OPINION AND ORDER

David Lee Hardin, Jr (“Petitioner”) moves pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his conviction and sentence on the grounds that his guilty plea was not knowing and voluntary and his counsel provided ineffective assistance. (ECF No. 96). In addition, he seeks the appointment of counsel to pursue his § 2255 petition. (ECF No. 95).

There is no constitutional right to the appointment of counsel in a § 2255 proceeding. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). In § 2255 actions, the appointment of counsel is governed by the Rules Governing § 2255 Proceedings, Rules 6(a) and 8(c), which mandate the appointment of counsel where discovery is necessary or if the matter proceeds to an evidentiary hearing. The Court may also appoint counsel to a financially eligible petitioner if justice so requires. See 18 U.S.C. § 3006A(a)(2)(B). At this stage, no discovery or evidentiary hearing is required in the instant case and Petitioner has failed to demonstrate that justice requires the appointment of counsel. Accordingly, at present, Petitioner’s request for appointment of counsel (ECF No. 95) is DENIED.

SO ORDERED on September 8, 2020.

s/ Holly A. Brady
JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT